

Beaverhead and Big Hole River Recreation Rules Evaluation: Summary of Public Comments

Overview

The Beaverhead and Big Hole river recreation rules were established in 1999 to address concerns about crowding on these two rivers. The Commission amended the rules in 2001, 2003 and 2005. In 2005, the Commission inserted language stating that it would review the rules again within five years, hence the current review process.

The department conducted two public open houses (Butte and Dillon). A total of 126 people and 7 organizations submitted comments on the rules. This included 6 nonresidents and 15 outfitters. The department also received two petitions expressing support for retaining the current rules with a total of 375 signatures.

Rule Recommendations

1. Keep the rules as they are (105 comments).

The largest number of comments requested that the Commission retain the current rules – no changes. Supporters commented that the rules have provided a place and time for resident anglers to recreate without the additional presence of outfitted and nonresident float trips. They cited undesirable conditions before the rules went into effect and stated that conditions are now improved. Some people expressed particular support for the daily reach restrictions on the Big Hole River and the prohibition on float outfitting on the Beaverhead River between Highway 91 South Bridge and Selway Bridge. A few people asked that the Commission expand the rules to year-round and/or further reduce the amount of outfitting allowed. Some noted that rulemaking is costly to the public and FWP and should not be initiated.

2. Change the rules to allow groups of kayakers to float the Big Hole (9 comments).

Some people requested that the Commission change the rules to allow groups of kayakers to float the Big Hole River. They explained that limiting kayakers to two person groups is a significant safety concern. Note from the Department: These comments were included as a part of the public record but it should be noted that the current rules do not prohibit or limit the group size for floaters including kayaks. The rules limit the number of launches allowed per individual (or per outfitter) per day. The department will make sure that staff are aware of this rule and inform the public accordingly.

3. Allow non-authorized outfitters to launch at Jessen Park on the Beaverhead and/or High Road on the Big Hole to use the Jefferson River (8 comments including one qualified support).

Some of the outfitters expressed interest in being able to launch at Jessen Park on the Beaverhead and/or High Road on the Big Hole in order to gain access to the Upper Jefferson regardless of whether they were permitted on the Beaverhead and/or Big Hole. They explained that there is no other way to gain access to the upper section of the Jefferson. One sportsman's organization supported this request but only if it could be accomplished without opening up the rules.

4. Open Highway 91 Bridge (Tash) to Selway Bridge on the Beaverhead to some amount of float outfitting, e.g. weekdays or Saturday and Sunday (8 comments).

Some of the outfitters asked the Commission to allow some float outfitting on the Beaverhead River between the Highway 91 South Bridge and Selway Bridge (This section is currently closed to float outfitting starting the third Saturday in May through Labor Day). They explained that opening this section up to some amount of float outfitting would help to relieve outfitting pressure on the upper sections of the river with minimal impact on the angling public.

5. Split the Selway Bridge to Jessen Park reach into two sections on the Beaverhead with one launch per day per section (7 comments).

Some of the outfitters requested that the Commission split the Selway Bridge to Jessen Park reach on the Beaverhead into two sections and allow each outfitter to launch one boat per day per reach. They suggested using Point of Rocks as the section break. They explained that the current reach is too long to float in one day and that dividing this into two sections would provide some additional opportunities for the outfitters and help to alleviate congestion on other sections of the river.

6. Adjust reach rotation restrictions on Big Hole River, e.g. eliminate weekday float outfitting restrictions (6 comments).

Some of the outfitters requested that the Commission amend the rules that restrict float outfitting on the Big Hole River per reach per day. The suggestions included eliminating the restrictions in place for Monday, Tuesday, Wednesday, and/or Thursday, or keeping only the Saturday and Sunday restrictions. Their rationale was that outfitted use is a small portion of the overall use of the Big Hole and that resident anglers are not using the sections closed to float outfitting.

7. Remove some, or all, of the nonresident float fishing restrictions (5 comments).

Some of the comments requested that the Commission reduce or eliminate the nonresident float fishing restrictions. They expressed concern that these restrictions are having a negative impact on the local economy, create a poor image for Montana, and are unfair to the people who live outside of Montana. Some suggested that nonresidents would still be restricted through float outfitting restrictions and that the nonresident float restrictions are unnecessary.

8. Continue to review the rules at least every five years (4 comments).

Some people requested that the Commission continue to evaluate the rules at least every five years in recognition that conditions can change over time and that a regular evaluation can help to ensure that the rules are effective.

9. Rules are hurting tourism and outfitting industry – FWP needs to come up with a better solution (3 comments).

Some people expressed concern that the rules have hurt the local tourism economy and affected job opportunities for outfitters and guides who live in the area but are limited or prohibited from conducting work.

10. Change “lapsed” license to “expired” license to match Board of Outfitters definitions and original intent of rule (3 comments).

Some of the outfitters requested that the Commission replace the term “lapsed” with “expired” in reference to the rule that states that an outfitter is no longer authorized to conduct use on the river(s) is there (Board of Outfitters) licensed has lapsed. They explained that according to the Board of Outfitters definitions, an outfitter’s license goes into “lapsed status” if they fail to renew on time but they still have 45 days to renew before the license expires.

Other Recommendations

- **Eliminate client day system based on historical use and replace with launch (watercraft) restrictions per outfitter per reach per day.**
- **Address issue of outfitters who do not use days and hold on to them to sell them.**
- **Develop river management plan for each river under the direction of the statewide river recreation rules and in order to establish a vision for recreation management , recognize trends in visitor use, and set desired conditions.**
- **Rule review should include examination of biological, social, and economic factors.**
- **Given the support for the current rules, any proposed change, including the call for a five year review, will inspire significant public interest and therefore a CAC should be established.**
- **Close Poindexter Slough to outfitters and nonresidents.**
- **Increase enforcement of rules.**
- **Retain log books.**
- **Establish policy for auditing compliance with rules.**
- **Concern over department’s policy on the transfer of an outfitter’s business, permit, and allocated days.**
- **Need to provide public access at High Road on Big Hole and at Point of Rocks on Beaverhead.**
- **Concern over angling pressure on fisheries.**
- **Request for barbless hook regulation for entire Big Hole River.**
- **Charge \$5 usage fee per vehicle for floaters.**
- **Charge outfitters a launch fee to address crowding.**
- **Rules are causing outfitters to use Rock Creek more – need to institute similar restrictions there.**
- **Implement similar rules for the Missouri River.**